

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1-22 are now pending in this application.

In the Office Action, all the claims were rejected over the prior art. Claims 1-6, 9-14, 16-17, and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,820,898 (“Dinsdale”). Claims 8, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dinsdale. Claims 7 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dinsdale in view of U.S. Patent No. 6,296,275 (Stevens).

Independent claims 1, 9 and 20 have been amended. The claims are addressed in turn below.

Claim 1

Amended claim 1 recites the feature “wherein the length of the tube substantially corresponds to the length of the airbag in the longitudinal direction of the vehicle.” Dinsdale does not disclose or suggest this feature. In particular, Dinsdale teaches that the inflator is a modest size. (Column 14, lines 1-17 of Dinsdale.) It is noted that the PTO has asserted in its rejection to claim 8 that it would have been obvious to extend the tube. The Applicant would like to address that argument at this time because the PTO may be tempted to assert it again in relation to amended claim 1.

The PTO has rejected claim 8 as being unpatentable over Dinsdale by asserting that Dinsdale discloses that the inflatable curtains may be extended to have more protection zones to protect the occupants of extra seats and it would have been obvious to extend the tube to cover the distance A and C pillars of the vehicle so that additional airbags are not needed to provide the same degree of protection to the occupants. (Page 4 of Office Action.) For at least the following reasons, the Applicant respectfully disagrees.

To establish a *prima facie* case of obviousness, the MPEP § 2143 states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The PTO has failed to satisfy at least the first and third criteria for establishing obviousness. As to the first criteria, the PTO relies on the disclosure of Dinsdale. It is assumed that the passage that the PTO was referring to is in column 8, lines 19-25 of Dinsdale which read:

Although each inflatable curtain 10 in FIG. 1 has two protection zones 40, 42, the invention encompasses the use of inflatable curtains with any number of protection zones. Thus, if desired, each of the inflatable curtains 10 may be extended to have one or more protection zones positioned to protect occupants of extra seats 50 behind the rear seats 18 from impact against third lateral surfaces 52 of the vehicle 12. Additional inflators 20 may be used to inflate such additional protection zones. (emphasis added)

Dinsdale teaches that the inflatable curtains can be extended not the inflator tubes. Also, Dinsdale teaches that additional inflators are to be added. Because Dinsdale teaches the use of additional inflators, one skilled in the art would not have been motivated to extend the tube of the inflator, as suggested by the PTO. In addition, the use of additional inflators is consistent with the teaching that the inflator is of modest size. (Column 14, lines 1-17 of Dinsdale.) Thus, there is no motivation or suggestion to extend the tube of Dinsdale.

As to the third criteria, the PTO has not offered any reference in combination with Dinsdale that teaches a long tube for the inflator.

Since the PTO has not satisfied at least the first and third criteria for establishing a prima facie case of obviousness, the rejection of claim 8 is improper. By the same token, a rejection of amended claim 1 by the PTO using the same argument would also be improper.

Claim 9

Amended claim 9 recites the features “the igniters are positioned at the opposite ends of the tube” and “wherein the elongated tube contains a plurality of spaced apart openings at a plurality of different distances from one of the ends of the pipe along the circumferential

surface of the pipe.” Dinsdale does not disclose or suggest either of these features. Dinsdale discloses a tube 66 with the igniters positioned on the circumferential surface and the openings on the ends of the tube. (Fig. 2 of Dinsdale.) Thus, Dinsdale does not disclose or suggest amended claim 9.

Claim 20

Amended claim 20 recites the features “wherein the length of the pipe substantially corresponds to the length of the airbag in the longitudinal direction of the vehicle,” “a plurality of gas outflow openings in the pipe positioned on the circumferential surface of the pipe,” and “wherein each inflation device is positioned in one of the sealed openings located at the ends of the pipe.” Dinsdale does not disclose or suggest any of these features. In particular, Dinsdale discloses a modest size inflator (column 14, lines 1-17 of Dinsdale) and there is no suggestion or motivation to lengthen the pipe, as discussed above. Also, Dinsdale discloses a tube 66 with the igniters positioned on the circumferential surface and the openings on the ends of the tube. (Fig. 2 of Dinsdale.) Thus, Dinsdale does not disclose or suggest amended claim 20.

Claims 2-8 and 10-19

Each of claims 2-8 and 10-19 depend from either claim 1 or claim 9 and are therefore allowable for at least the reasons set forth above with regard to the further patentable limitations contained therein.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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